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the trial court dismissed the petition on the ground that the opening statement did not show proof sufficient to support the allegation. The plaintiff appealed from the court's ruling. *Held*, when the counsel in the opening statement gives in detail all the evidence that he proposes to offer in support of the allegation in the petition and is given an opportunity to explain and qualify his statement, and it is apparent that the facts proposed to be shown would not sustain the petition, it is the duty of the trial court to sustain a motion for dismissal. *Cornell v. Morrison* (Ohio 1912), 100 N. E. 817.

The question raised in the principal case is one on which the courts are not agreed. For a discussion of the various rules on the proposition involved see 9 MICH. L. REV. 271.

**WILLS—ESTATES TAIL.**—Testator had five children, one of whom, named Mary, was married. In 1893 he devised a specific tract of land to Mary and the heirs of her body. Similar devises were made in favor of the other children. The will contained a residuary clause in which the testator gave to his children share and share alike, "all other property, goods, chattels, moneys, stocks, credits and effects" of which he might die seized. The testator died in 1895 leaving surviving him the five children. In 1909 Mary died without having children and was survived by her husband. The four children now surviving brought ejectment against Mary's husband. *Held*, that each of the children took an estate tail, and that Mary acquired by the residuary clause in the will an undivided fifth interest in the reversion in fee expectant on her death without issue, which interest on her death passed to her husband. *Ewing v. Nesbitt* (Kan. 1913), 129 Pac. 1131.

It is very rare to find a jurisdiction at the present time which recognizes the estate tail as it was known at the common law without some statutory modification. In some states the estate tail is converted into a fee simple, while in others the first taker gets a life estate. For a grouping of the states under the various statutory modifications see BREWSTER, CONVEYANCING, § 143. In 1855 by a statute of the Territory of Kansas the common law estate tail was converted into a life estate in the first taker. In 1859, however, the Territorial Legislature completely revised the act of 1855 and restored the estate tail with its characteristics as known at the common law. The opinion in the principal case is very interesting because of its accurate review of the nature and origin of estates tail and their introduction into this country. The court pointed out that such estates were in harmony with the wants and conditions of the people of Kansas, and that the danger of a perpetuity was prevented by the donee in tail giving a deed of the land which barred the remainderman, just as a fine or a common recovery at the common law had a similar effect, by converting the estate tail into a fee simple absolute. Therefore, if the testator's daughter Mary in the principal case had chosen in her lifetime to make a conveyance of the land devised to her, she would thereby have barred herself, her issue, and her father's reversion.

**WITNESSES — PRIVILEGE AGAINST SELF-INCrimINATION.**—One Lloyd was charged with conspiracy to cheat and defraud certain insurance companies. Defendant moved to quash the information upon the ground that he had